

Chairperson John R. Clark
Vice-Chairperson Michael Parks
Parliamentarian Don Maxwell



Commissioners
Michael Beckendorf
John Bond
Helen Chavarria
Ralph Davila
Robert Horton
G.H. Jones

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, AUGUST 21, 2008
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

1. CALL TO ORDER.

Chairperson Clark called the regular meeting to order at 6:05 p.m.

Commissioners	Present	2008 Regular Meetings Held	2008 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	Yes	16	12	12	11
Johnny Bond	Yes	16	16	12	12
Helen Chavarria	Yes	16	13	12	10
John R. Clark	Yes	16	15	12	12
Ralph Davila	No	16	15	12	11
Robert Horton	Yes	16	13	12	12
G. H. Jones	Yes	16	15	12	12
Don Maxwell	Yes	16	12	12	10
Michael Parks	Yes	16	12	12	9

Staff members present: Ms. Lindsey Guindi, Assistant Director of Development Services; Mr. Martin Zimmermann, Planning Administrator; Ms. Julie Fulgham, Project Planner; Mr. Randall Haynes, Staff Planner; Mr. Michael Gary, Assistant City Attorney; Mr. Dale Picha, Director of Traffic and Transportation; and Ms. Charmaine McKinzie, Planning Recorder.

2. HEAR CITIZENS.

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

There were no affidavits filed.

4. CONSENT AGENDA.

A. Approval of meeting minutes from the workshop and regular meetings on August 7, 2008.

Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Jones seconded the motion.

Chairperson Clark asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

5. Replat RP08-16: Block 2 of Hyde Park Addition

R. Haynes

A proposed replat of Lot 11 in Block 2 of Hyde Park Subdivision, being 0.32 acres of land located on property at 4300 Boyett Street at the south corner of Boyett Street and Lisa Circle in Bryan, Brazos County, Texas.

Mr. Haynes presented a staff report (on file in the Development Services Department). Mr. Haynes stated that the request meets all replat requirements and standards, and that staff recommends approval of the request.

Responding to a question from Commissioner Maxwell, Mr. Haynes confirmed that during the August 7, 2008 meeting Commissioners approved a planning variance and a planning exception for this property (case numbers PV08-26 and PE08-04, respectively).

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Chavarria moved to approve RP 08-16, the replat of Lot 11 in Block 2 of Hyde Park Addition, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for re-platting. Commissioner Jones seconded the motion.

Chairperson Clark asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

6. Alley Closing AC08-02: Herb Currie

R. Haynes

A request to abandon a 10-foot wide and 106-foot long section of alley right-of-way adjacent to Lots 18, 19 and 20 in Block 22 of Cavitt's Bryan Heights Subdivision of the Phillips Addition (addressed at 700 East 32nd Street) in Bryan, Brazos County, Texas.

Mr. Haynes presented a staff report (on file in the Development Services Department). He stated that the alleys in the area do not serve as alleys any more and the applicant requests the formal abandonment of the alley by the City. Mr. Haynes advised that the adjoining property owner has agreed to the request and that the City will retain 10-foot wide utility easement. Staff recommends approval of the request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Beckendorf moved to approve AC08-02 to the Bryan City Council and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Jones seconded the motion.

Chairperson Clark asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

7. Planning Variance PV08-27: Raymond Messer

J. Fulgham

A request for approval of a 10-foot variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts of Bryan, to legitimize previous installation of carport that extends within 15 feet of the front property line on property at 1205 Garden Lane between Bennett Street and Skrivanek Drive, specifically occupying Lot 10 and parts of Lot 11 in Block of North Manor Addition – Fourth Installment in Bryan, Brazos County, Texas.

Ms. Fulgham presented a staff report (on file in the Development Services Department). Staff recommends denial of the request for the following reasons:

- Allowing a variance into the front setback area can potentially have the effect of creating a crowded streetscape which may have undesirable affects on area properties and that granting this requested front setback variance is detrimental to both the subject and area properties;
- Granting this request for variance may not only adversely affect the physical character of development on this lot, but in this entire area; and
- The public benefit from continued compliance with minimum building setback standards is greater than requiring the applicant to remove the unlawfully constructed carport.

Responding to a question from Commissioner Parks, Ms. Fulgham stated that there are no other carports in the surrounding block, and that there are two a few blocks away, but that they do not encroach into building setbacks.

The public hearing was opened.

Mr. Raymond Messer, applicant, came forward to speak in favor of the request. He stated that the carport has existed for five years.

The public hearing was closed.

Commissioner Maxwell moved to deny PV08-27, because strict compliance will not result in undue hardship, and in so moving adopt the written staff report and analysis as the findings of this Commission as well as the facts upon which those findings are based, with the understanding that such findings and facts will be entered into the official minutes of this Planning & Zoning Commission meeting. Commissioner Beckendorf.

Commissioner Maxwell stated that he made his motion because of the fact that the carport encroached into the setback and that there were no other structures in the area that encroach into that setback.

The motion passed with a unanimous vote.

8. Planning Variance PV08-31: Rike Homes, LLC (for Craig Brown)

R. Haynes

A request for approval of a 5-foot variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts of Bryan, to allow construction of new single-family homes planned to extend within 20 feet from the front property line on three lots in the 3100 block of Broadmoor Drive between Braeburn Street and Lochinvar Lane, specifically occupying Lots 10A-R, 11A & 11B in Block 1 of the Briarcrest West I Subdivision in Bryan, Brazos County, Texas.

Mr. Haynes presented a staff report (on file in the Development Services Department). Staff recommends approval of the request for the following reasons:

- If the requested variance is granted, the current development pattern along this street will be allowed to continue;
- Granting the requested variance will have no detrimental effect on public health, safety, and welfare nor will it be injurious to area properties; and
- Denial of the variance will prevent the owners from building houses similar to others in the block; and
- Staff finds that hardship imposed on the applicant by requiring compliance with the existing standards outweigh the benefits derived by the general public through compliance with the requirements of this chapter, and cannot identify any significant benefit to the public that observing a minimum 25-foot front building setback would provide in this particular case.

Responding to questions from Commissioner Maxwell, Mr. Haynes stated that the subdivision was designed to allow for rear entry garages, so there is a 20 foot access easement across the back of the property. Deed restrictions specify the minimum size of house than can be built, and unless the 20 foot front setback is observed, there is not enough room on the lot to build a house complying with the deed restrictions.

Responding to a question from Chairperson Clark, Mr. Haynes stated that he received a letter from a nearby resident and member of the Homeowners Association in favor of the request and that there were no negative comments about the request.

Commissioner Parks clarified that construction had not yet commenced on the property and that the applicant was asking for permission. Mr. Haynes stated that construction had not yet begun.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to approve PV08-31, because strict compliance with the regulations will result in undue hardship, and in so moving adopt the written staff report and analysis as the findings of this Commission and the facts upon which those findings are based, with the understanding that such findings and facts will be entered into the official minutes of this Planning & Zoning Commission meeting. Commissioner Bond seconded the motion.

Chairperson Clark asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

9. Conditional Use Permit CU08-04: Maria Gonzalez

M. Zimmermann

A request for approval of a Conditional Use Permit to allow the installation of a new manufactured home on property in an Agricultural-Open (A-O) zoning district located on 8.01 acres of vacant land out of S.F. Austin Survey, Abstract No. 62, adjoining the southeast side of Hilton Road, approximately 600 northeast from its intersection with Sandy Point Road (F.M. 1687) in Bryan, Brazos County, Texas.

Mr. Zimmermann presented a staff report (on file in the Development Services Department). Staff recommends approval of the request for the following reasons:

- The proposed development of this site with a new single-family (manufactured) home is proposed to be in compliance with all applicable standards and regulations, and no variations from existing standards are being requested,
- A new manufactured home on the subject property will be compatible with existing or permitted uses on abutting sites, most of which are currently in single-family residential use,
- Staff cannot discern any greater unfavorable effects or impacts that may result from the development of this site with a new manufactured home, than those that may result from the use of the site by a use that is permitted by right in the A-O zoning district,
- A new manufactured home at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity, and most adjacent properties are also currently in single-family residential use,
- Any new development on this property, including a new manufactured home, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts,
- A new manufactured home at this location should not have any adverse effects on vehicular and pedestrian traffic in this vicinity,
- The proposed conditional use will provide adequate and convenient off-street parking,
- In this particular case, development of this property with a new manufactured home conforms to the objectives and the purpose of the A-O zoning district,
- The proposed new manufactured home will have few (if any) ill effects on properties or improvements in the vicinity, and
- For the same reasons given above, staff believes the subject property is suitable for a new manufactured home.

Responding to a question from Commissioner Parks, Mr. Zimmermann stated that the Commission is not responsible for specifying how the applicant may move the home onto the property. Mr. Zimmermann advised that the applicant owns some adjacent land that may be used to transport the home onto the property.

The public hearing was opened.

Ms. Olga Gutierrez, 220 Hilton Road, Bryan, came forward with concerns about the request. She stated that she owns adjacent property, and was wondering if the request was for one mobile or more. She expressed concern about the installation of the home, since her home is next to the easement that the applicant would use to transport the home onto the property, and she does not want any damage occurring to her fence. She also asked where the home would be located on the property.

Chairperson Clark stated that if the request passed, only one home would be allowed on the property. Mr. Zimmermann illustrated where the home is proposed to be located.

Mr. Lamar Urbanovsky, 78 Twin Ridge Parkway, Round Rock, Texas, came forward to speak against the request. He stated that mobile homes were put in the area after the City annexed the area 18 years ago. He said that since the homes were put in, there has been a downgrading of the neighborhood. He stated that there are drug issues in the area. He expressed concerns about his neighbors, and about the installation of another mobile home.

Mr. Parks left the meeting at 6:30 p.m. and did not return.

Ms. Rebecca Beckham, 284 Hilton Road, came forward to speak against the request. She stated that she has lived there since 1952. She said that she agrees with Mr. Urbanovsky.

The public hearing was closed.

Chairperson Clark pointed out that the issues that were brought forward, while important, do not pertain to whether criteria are met to approve a conditional use permit.

Commissioner Beckendorf moved to deny CU08-04. Commissioner Jones seconded the motion.

Chairperson Clark asked if there was any discussion.

Commissioner Beckendorf stated that citizens should contact the Code Enforcement Department about the other issues brought to the Commission's attention.

Commissioner Maxwell stated that Code Enforcement issues are not the business of the Commission. He stated that the issue at hand is whether to allow a manufactured home to be moved onto a property that is zoned Agricultural-Open District (A-O).

Commissioner Bond stated that manufactured homes have been allowed on A-O property in the past, and that he agrees with Commissioner Maxwell that this is a code enforcement problem and that the Commission should not consider those issues.

The motion failed by a vote of two (2) in favor and five (5) in opposition. Commissioners Chavarria, Maxwell, Clark, Bond, and Horton cast the votes in opposition.

Commissioner Maxwell moved to approve CU08-04, to allow the installation of a single new manufactured home on the property in the A-O zoning district, and to adopt staff's written analysis and recommendations, as presented to the Planning & Zoning Commission, as the written findings and written special conditions required under Section 130-33 of the Bryan Code of Ordinances. Commissioner Chavarria seconded the motion.

Commissioner Maxwell pointed out that the motion emphasizes the point that this is for a single manufactured home, not a manufactured home park.

Chairperson Clark stated that he agreed with the discussion points made by Commissioner Bond, and that he is sensitive to the code enforcement issues and he hopes that they are improved.

The motion passed with a vote of five (5) in favor and two (2) in opposition. Commissioners Beckendorf and Jones cast the votes in opposition.

10. Conditional Use Permit CU08-07: Motorcycles Plus

R. Haynes

A request for approval of a Conditional Use Permit to allow a motorcycle sales and service use on property in a South College – Business District (SC-B), specifically on property located at 3710 Old College Road, occupying Lots 1 thru 3 in the Triangle Subdivision in Bryan, Brazos County, Texas.

Mr. Haynes presented a staff report (on file in the Development Services Department). Staff recommends approving the request for the following reasons:

- The proposed conditional use will conform to all applicable development regulations and standards;
- Retail sales of motorcycles and scooters, as proposed, are a compatible use at this particular location in the SC-B district;
- This area is suitable for retail establishments, as it is located near the intersection of major streets (South College and Old College) and surrounded by properties that are occupied by retail use, and the proposed site plan proposes to mitigate potential vehicular and pedestrian conflict by improving the onsite parking available at this location;
- Any new development on this property will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts, and staff was unable to identify any adverse impacts that may result from the proposed use at this location;
- Staff was unable to identify any adverse impacts on traffic control or adjacent properties that may result from the proposed use at this location;
- Adequate and convenient off-street parking is proposed to be provided on the premises;
- Staff believes that upon completion of the proposed site improvements, the proposed use will conform to the objectives and the purpose of the SC-B zoning district;
- The proposed motorcycle sales and service development will have few (if any) ill effects on properties or improvements in the vicinity; and
- The site and structures are suitable for the proposed motorcycle sales and service use.

Responding to a question from Chairperson Clark, Mr. Haynes stated that submission of a site plan is required in conjunction with an application for approval of a Conditional Use Permit.

Responding to questions from Commissioner Maxwell, Mr. Haynes stated that there was a shared access to the property, and that off-street parking will be installed.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Beckendorf moved to approve CU 08-07, adopting staff's written analysis and recommendation, as presented to the Planning & Zoning Commission, as the written findings and written special conditions required under section 130-33 of the Bryan Code of Ordinances. Commissioner Maxwell seconded the motion.

Commissioner Beckendorf stated that he appreciated the request.

Commissioner Maxwell stated that this will clean up the area.

The motion passed with a unanimous vote.

11. ADJOURN

Without objection, Chairperson Clark adjourned the meeting at 7:00 p.m.

These minutes were reviewed and approved by the City of Bryan Planning & Zoning Commission on the 4th day of **September, 2008**.

John R. Clark, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Martin Zimmermann, Planning Administrator
and Secretary to the Planning and Zoning
Commission